

**School Year 2013-2014 Local Educational Agency (LEA)
Determinations Methodology**

School Year 2013-2014¹ LEA Determinations Process

State's Review and §616 Determination Criteria for LEAs

Under the Individuals with Disabilities Education Act (IDEA) §616, States are required to make annual determinations about the performance of the LEAs using the categories:

- Meets Requirements
- Needs Assistance
- Needs Intervention
- Needs Substantial Intervention

Determination Criteria

Federally Required Elements

States must consider the following four *federally required elements* in assigning a determination for LEAs:

1. Performance on compliance indicators 9, 10, 11, 12, and 13 in the State Performance Plan (SPP);
2. Whether data submitted by LEAs is valid, reliable, and timely on Indicators 7, 11, 12, 13, and 14;
3. Uncorrected noncompliance from other sources (complaints resolution, adverse due process hearing decisions, residential facility monitoring and monitoring activities); and
4. Any financial audit findings

State Defined Elements

States may choose to define additional elements in making determinations. In order to more accurately reflect LEA performance as indicated by data results, the Texas Education Agency (TEA) has incorporated the following *state defined elements*:

5. Performance-Based Monitoring (PBM) Program Effectiveness
(stage of intervention for the special education program area)

Determination Rating

The TEA reviews LEA information in all five elements, assigns a performance level for each element, and aggregates the total in order to establish the LEA's determination.

The table below provides a crosswalk from the total performance level aggregate associated with each determination.

Determination Crosswalk

Total Performance Level	Determination
No "2"s or "3"s	Meets Requirements
One or more "2"s but No "3"s	Needs Assistance
One "3"	Needs Intervention
More than one "3"	Needs Substantial Intervention

¹In response to public comment and proposed changes outlined in the *Report on the Texas Education Agency's Efforts in Implementing the Provisions of Rider 70 - A Report to the 84th Texas Legislature from the Texas Education Agency, January 2015*, the state will issue a transitional year report for the required annual determinations about the performance of the LEAs, based on data collected during the 2013-2014 school year in order to meet its obligation under the Individuals with Disabilities Education Act (IDEA) §616.

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School year 2013-2014 LEA Determinations Data Elements

LEAs will be assigned a determination based on the data reviewed in the following matrix.

Federally Required Element	Description	Data Source/Timeframe
1. State Performance Plan (SPP) Compliance Indicators	<p>Performance on SPP Compliance Indicators:</p> <ul style="list-style-type: none"> • 9: Disproportionality of racial and ethnic groups (African American, Asian, Hispanic, Native American, White) in the special education program that is the result of inappropriate identification • 10: Disproportionality of racial and ethnic groups (African American, Asian, Hispanic, Native American, White) by specific disability (Autism, Emotional Disturbance, Learning Disability, Mental Retardation, Other Health Impaired, Speech Impairment) in the special education program that is the result of inappropriate identification • 11: Compliance with Initial Evaluation Timelines • 12: Compliance with Early Childhood Transition Timelines • 13: Compliance with Secondary Transition IEP Requirements 	<p>Division of Federal and State Education Policy</p> <p>Data submission for the 2013-2014 school year</p>
2. Valid, Reliable, and Timely Data	<p>Performance on Person Identification Database (PID) Reporting: Fall and Summer Collections</p> <p>Performance on Reporting Valid, Reliable, and Timely Data for SPP Indicators 7, 11, 12, 13, and 14</p>	<p>Data submitted through Public Education Information Management System (PEIMS) and the SPP Online Applications for the 2013-2014 school year</p>

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Federally Required Element	Description	Data Source/Timeframe
3. Status of Uncorrected Noncompliance	Performance in timely correction of identified noncompliance (e.g. identified in a given school year and corrected as soon as possible but not later than one year after identification)	Division of Program Monitoring and Interventions July 1, 2013 to June 30, 2014 Division of Federal and State Education Policy (Complaints Resolution and Adverse Due Process Hearing Decisions) July 1, 2013 to June 30, 2014
4. Financial Audits	Financial Performance based on timely correction of any audit findings specific to IDEA B grant funds.(e.g. identified in a given school year and corrected within the specified audit correction timeline determined in the audit finding)	Division of Financial Audits July 1, 2013 to June 30, 2014

State Defined Element	Description	Data Source
5. Program Effectiveness	Overall Program Effectiveness in Performance-Based Monitoring (PBM) System	Division of Program Monitoring and Interventions October 1, 2013 to October 1, 2014

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Explanation of 2015 LEA Determinations Data Elements

1. State Performance Plan (SPP) Compliance Indicators:

To meet the data element standard for a Performance Level Indicator (PLI) 0, LEAs must not have disproportionate representation that is the result of inappropriate identification (SPP indicators 9 and 10), and must report at least 95% or higher compliance² with SPP indicators 11, 12, and 13 for the 2013-2014 school year.

2. Valid, Reliable, and Timely Data:

To meet the data element standard for a PLI 0, LEAs must have met the Person Identification Database (PID) Error Rate Standard reporting based on the summer and fall collections, July 1, 2013, to June 30, 2014, and must have reported valid, reliable, and timely data for SPP indicators 7, 11, 12, and 13 for the 2013-2014 school year.

3. Uncorrected Noncompliance:

To meet the data element standard for a PLI 0, LEAs must have corrected all identified noncompliance as soon as possible, but not later than one year after notification from TEA of the noncompliance.

Uncorrected noncompliance is noncompliance that has not been corrected one year after LEA was notified of the noncompliance by TEA. Residential facility monitoring and monitoring activity data are based on noncompliance required to have been corrected during the calendar year from July 1, 2013, to June 30, 2014. Complaints resolution and adverse due process hearing decision corrective action data are based on noncompliance required to have been corrected during the calendar year from July 1, 2013, to June 30, 2014. Any LEA failing to correct previously identified noncompliance within the July 1, 2013 to June 30, 2014 calendar year is considered to have uncorrected noncompliance, regardless of whether the noncompliance is corrected at the point in time the LEA is assigned a determination.

4. Financial Audits:

To meet the data element standard for a PLI 0, LEAs must have met the required timely correction of any audit findings specific to IDEA B grant funds. (e.g. identified in a given school year and corrected within the specified audit correction timeline determined in the audit finding)

Data is based on findings with corrections required between July 1, 2013 and June 30, 2014. Any LEA failing to correct Financial Audit findings, as required between the July 1, 2013 to June 30, 2014 calendar year, is considered not to have met the Financial Audit requirement, regardless of whether the issue is corrected at the point in time the LEA is assigned a determination.

5. Performance-Based Monitoring (PBM) Program Effectiveness:

To meet the data element standard for a PLI 0, LEAs must not be staged above Stage 1 for intervention in the special education component of the PBM system for the 2014-2015 school year and must meet state supervision and oversight requirements for special education programs as required by state and federal law. Intervention stages for the 2014-2015 school year generally are based on data from the 2013-2014 school year.

²Regardless of the specific level of noncompliance, if an LEA is found to be below 100% in SPP indicators 11, 12, or 13, the LEA must correct the noncompliance as soon as possible, but in no case more than one year from identification (i.e. the date on which the State provided written notification of the notification to the LEA).

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2015 LEA Determinations Rating Scale

Federally Required Element	Description	Performance Level Indicators
1. State Performance Plan (SPP) Compliance Indicators	Performance on SPP Compliance Indicators 9, 10, 11, 12, and 13:	
	<ul style="list-style-type: none"> All five indicators in compliance (for indicators 11, 12, and 13: $\geq 95\%$) 	0
	<ul style="list-style-type: none"> One or more indicators ≥ 90 and $\leq 94\%$ 	1
	<ul style="list-style-type: none"> One or more indicators ≥ 80 and $\leq 89\%$ 	2
	<ul style="list-style-type: none"> One or more indicators ≤ 79 	3
2. Valid, Reliable, and Timely Data	Person Identification Database (PID) Error Rate Standard for the fall and summer collection and SPP Indicators 7, 11, 12, 13, and 14 Data Collection:	
	<ul style="list-style-type: none"> All collections meet the PID Error Rate Standard and Certified Status Standard with no reliability issue found 	0
	<ul style="list-style-type: none"> One PID error or did not certify data in one collection 	1
	<ul style="list-style-type: none"> Multiple PID errors, or did not certify in more than one collection, or single issue of reliability 	2
	<ul style="list-style-type: none"> More than one issue of reliability within collections 	3
3. Status of Uncorrected Noncompliance	Timely correction of identified noncompliance (e.g. identified in a given school year and corrected no later than one year after identification):	
	<ul style="list-style-type: none"> Noncompliance corrected within one year 	0
	<ul style="list-style-type: none"> Uncorrected noncompliance $> \text{one year} \leq \text{two years}$ 	1
	<ul style="list-style-type: none"> Uncorrected noncompliance $> \text{two years} \leq \text{three years}$ 	2
	<ul style="list-style-type: none"> Uncorrected noncompliance $> \text{three years}$ 	3

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Federally Required Element	Description	Performance Level Indicators
4. Financial Audits	Financial audit results :	
	<ul style="list-style-type: none"> No audit finding 	0
	<ul style="list-style-type: none"> One or more audit findings with timely correction 	1
	<ul style="list-style-type: none"> One audit finding with failure to meet required correction timeline 	2
	<ul style="list-style-type: none"> Multiple audit findings with failure to meet required correction timeline 	3
State Defined Element	Description	Performance Level Indicators
5. Program Effectiveness ³	Overall Program Effectiveness in Performance-Based Monitoring (PBM) System:	
	<ul style="list-style-type: none"> Not Staged – Staged 1 	0
	<ul style="list-style-type: none"> Staged 2 	1
	<ul style="list-style-type: none"> Staged 3 	2
	<ul style="list-style-type: none"> Staged 4 	3

³The Program Effectiveness element includes a bridged performance level based on staging that occurred in fall 2014. The 2015 State of Interventions will be unified with LEA Determinations as one event. As a result, beginning in fall 2014 the assigned performance levels in elements 1-4 will be included in the aggregate with indicators reported through PBMAIS to determine a district's stage of intervention. Staging will equal determination and will be identified as:

Stage of Intervention/Federal LEA Determination

Stage 1 or Not Staged = Meets Requirement

Stage 2 = Needs Assistance

Stage 3 = Needs Intervention

Stage 4 = Needs Substantial Intervention

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Appeals Process

Any LEA assigned a determination other than **Meets Requirements** may file a written request for appeal within 30 calendar days of the date of the determination notification letter. The written request for appeal must include the submission of all information necessary for TEA to reconsider the original determination assignment. The TEA will acknowledge receipt of the request for appeal and will issue an appeal response letter when the review is completed.

Appeals must include a contact person's name, an email address, a phone number, and the LEA superintendent's name and signature. The appeal should be sent to the following address:

Determination Appeal Request
Texas Education Agency
Division of Federal and State Education Policy
1701 N. Congress
Austin, Texas 78701

TEA will evaluate the appeal based on information provided in the appeal request form. Please note that TEA will not consider any appeal received after the 30 calendar day time frame.

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State Level Enforcement Actions

States are required to take the following enforcement actions with LEAs based on the LEA's Determination:

Determination	Enforcement Actions⁴
Meets Requirements	None
Needs Assistance	<p>State takes one or more of the following actions if the LEA receives this Determination for two or more consecutive years:</p> <ul style="list-style-type: none"> • Provide technical assistance • Direct the use of funds • Impose special conditions <p>State must prohibit the LEA from reducing the LEA's maintenance of effort under § 300.203 for any fiscal year.</p>
Needs Intervention	<p>State may take any of the actions described above, and require one or more of the following if the LEA receives this Determination for three or more consecutive years:</p> <ul style="list-style-type: none"> • Require a corrective action plan or improvement plan for the LEA • Require a compliance agreement signed by the LEA • Withhold or seek to recover funds from the LEA <p>State may refer the matter for appropriate legal enforcement action.</p> <p>State must prohibit the LEA from reducing the LEA's maintenance of effort under §300.203 for any fiscal year.</p>
Needs Substantial Intervention	<p>State may take any of the actions described above, and require one or more of the following:</p> <ul style="list-style-type: none"> • Recover funds from the LEA • Withhold further payments to the LEA • Refer the LEA to legal authorities <p>State must prohibit the LEA from reducing the LEA's maintenance of effort under §300.203 for any fiscal year.</p>

⁴In addition to the enforcement actions reflected in the table above, LEAs are subject to the interventions and sanctions listed at 19 Texas Administrative Code §89.1076. Due to a change in methodology for the School Year 2013-2014 Local Educational Agency (LEA) Determination Process additional enforcement actions or requirements will not be issued. However, the State must prohibit the LEA from reducing the LEA's maintenance of effort under §300.203 for any fiscal year, and LEAs must continue implementing activities associated with existing continuous improvement plans, including seeking technical assistance from regional education service centers and/or other technical assistance providers.

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District Level Required Action

LEAs are required to take the following actions based on the LEA's determination:

Determination	Required Actions
Meets Requirements	None
Needs Assistance	<ul style="list-style-type: none">• Seek technical assistance from regional education service center and/or other technical assistance providers;• Develop and/or implement continuous improvement plans through TEA's Special Education Monitoring System.
Needs Intervention	
Needs Substantial Intervention	